

Notice of Allowability

Application No.

10/045,530

Examiner

Gregory V. Madden

Applicant(s)

HORIUCHI, KAZUHIRO

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to request for continued examination filed 5/25/2007.
2. ☒ The allowed claim(s) is/are 1 and 4-21 (renumbered 1-19).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

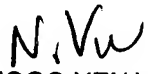
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


NGOC-YEN VU
SUPERVISORY PATENT EXAMINER

REASONS FOR ALLOWANCE***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 25, 2007 has been entered.

Response to Amendment

The Amendment after Final Action filed May 25, 2007 has been received and made of record. In response to the Final Office Action, Applicant has amended independent claim 1 to include the limitations of “...wherein the information synthesizing means synthesizes at least first and second luminance information obtained during the first condition for exposure and the second condition for exposure, respectively, wherein the first and second luminance information are matched with a corresponding exposure level associated with the first condition for exposure and the second condition for exposure, respectively, to provide synthetic luminance information based on the first and second luminance information...”. The Applicant argues in Page 10 of the Remarks that neither Sato (U.S. Pat. 6,839,087), Ota (U.S. Pat. 5,194,960), nor the other cited references the synthesizing a first and second luminance information, and matching the first and second luminance information with respective first and second exposure levels. The Examiner agrees with the Applicant, and the amendment to claim 1 is considered sufficient to place the claim in condition for allowance, and thus the previous rejection to claim 1 is hereby withdrawn. Please see the reasons for allowance for independent claim 1 set forth below.

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As for remaining dependent claims 4-21, these claims depend either directly or indirectly from allowable independent claim 1, and thus they too are considered to be allowable over the prior art.

Allowable Subject Matter

Claims 1 and 4-21 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding **claim 1**, the prior art was not found to teach or reasonably suggest an image pickup apparatus comprising an analyzing means which includes an information synthesizing means for synthesizing at least first and second luminance information obtained during a first and second condition for exposure, respectively, wherein the first and second luminance information are matched with a corresponding exposure level associated with the first and second condition for exposure. The prior art was also not found to teach an analyzing means further comprising a histogram arithmetic means for producing a histogram of the information synthesized by the information synthesizing means, and that based on the results of the analysis performed by the analyzing means, a conditions-for-photographing setting means sets conditions for actual photographing.

As for **claims 4-21**, these claims depend, either directly or indirectly, from allowable independent claim 1. Thus, claims 4-21 are also considered to be allowable over the prior art. Claims 2 and 3 were previously canceled by the Applicant.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory V. Madden whose telephone number is 571-272-8128. The examiner can normally be reached on Mon.-Fri. 8AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc Yen Vu can be reached on 571-272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gregory Madden
June 29, 2007


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SUPERVISORY PATENT EXAMINER